

Cause No. \_\_\_\_\_

FRENCH CROOK, III, as TRUSTEE OF THE  
HARBOR LIGHTS 2625 LAND TRUST

Vs

AMERIHOM MORTGAGE COMPANY,  
LLC.

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

DENTON COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

PLAINTIFF'S VERIFIED ORIGINAL PETITION AND  
APPLICATION FOR TEMPORARY RESTRAINING  
ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW TREY CROOK as, TRUSTEE of the HARBOR LIGHTS 2625 801 LAND  
TRUST, and files this Original Petition claiming for causes of action against Defendant:

I

RULE 47 STATEMENT

This suit does not seek monetary damages, but involves title to real estate whose value is more  
than \$100,000 but less than \$200,000.

II

DISCOVERY LEVEL

Plaintiff intends to conduct discovery under Level 2, T.R.Civ.Pro. Rule 190

III

PARTIES

1. Plaintiff is TREY CROOK, an individual residing in Dallas County, Texas. Plaintiff sues  
in its capacity as Trustee of the HARBOR LIGHTS 2625 LAND TRUST..
2. Defendant is A.

IV

VENUE

This suit concerns title to property in this County; and therefore, venue is mandatory in this County.

V

FACTS

1. Plaintiff is the owner in fee simple of that parcel of real estate (“the property”) described as:

“Lot 11, Block 1 of Robinson Ridge, Phase 2, , an Addition to the town of Little Elm, Denton County, Texas, according to the plat thereof recorded in Cabinet V, Slide 282, Plat Records of Denton County, Texas, and more commonly known as 2625 Harbor Lights Drive, Little Elm, Tx., 75068.

2. Plaintiff acquired its interest in the property by virtue of an Assessment Lien Deed recorded on October 5, 2021, and recorded as instrument No. 2021-188342.
3. Plaintiffs predecessor in interest is Roberto C. Alcala, who purchased the property on or about November 10, 2017, and recorded her deed as Instrument No. 2017-139190. in the property records of this County.
4. At the time he acquired the property he executed a purchase money deed of trust in favor of Mortgage Electronic Registration Systems, Inc. as nominee for Mortgage Financial Services, LLC, recording the Instrument No. 2017-139191..
5. The said deed of trust was subsequently assigned to Defendant. The assignment is recorded as instrument No. 2019-46036, and was recorded on April 26, 2019.
6. Plaintiff owns the right to equitable redemption. Plaintiff seeks to enforce its right thereto, and to receive from defendant an accounting of all sums due under the mortgage note, if any; and further, Plaintiff seeks to enforce its right to pay off said note.

7. Plaintiff has been unable to receive from Defendant (1) verification that it still holds the deed of trust and Note; (2) any amounts needed to cure a default; or (3) the amounts due in order to fully pay off the note.
8. Plaintiff has invested substantial money in the acquisition of the property.
9. Plaintiff has learned that Defendant intends to foreclose the property on April 5, 2022.
10. If Defendant is allowed to proceed with foreclosure without affording Plaintiff the opportunity to pay off the Note or cure any default, Plaintiff will suffer irreparable harmd.

## VI

### CAUSE OF ACTION

#### EQUITY OF REDEMPTION

1. Plaintiff refers to and incorporates by this reference each allegation above.
2. As the purchaser of the property at a junior lien sale, Plaintiff has the right to pay off or discharge any senior indebtedness.
3. Plaintiff is and has been unable to acquire from Defendant any information relative to the lien.
4. Plaintiff prays that the Court Declare that before Defendant may exercise the powers of sale under the deed of trust, that it first provide information sufficient to allow plaintiff to pay off or service any loan secured thereby.
5. In the event that Defendant is unable to authenticate its interest in the Note and Deed of Trust, then Plaintiff would pray, in the alternative, for a Decree of Quiet Title, holding that he owns the property free of the deed of trust.

## VII

APPLICATION FOR EMERGENCY INJUNCTIVE RELIEF

1. Plaintiff refers to and incorporates by this reference each allegation above.
2. Defendant has posted the property for foreclosure on the first, Tuesday of April, 2022.
3. If Defendant is allowed to proceed, Plaintiff will suffer irreparable harm.
4. Plaintiff prays that Defendant be immediately enjoined from taking any step to foreclose the property; and, that upon notice and hearing, such injunction be continued as a Temporary Injunction pending final resolution of this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be immediately enjoined from proceeding to foreclose the property the subject of this case, that such TRO be continued as a Temporary Injunction; and, that Defendant be cited to answer and appear herein, and that upon final trial the Court decree that Defendant holds no interest or lien against the property, that Plaintiff owns the property free and clear of the deed of trust referenced above, for attorney fees, costs of court, and for such other and further relief as the Court deems just.

Respectfully submitted,

LAW OFFICES OF KENNETH S. HARTER

/s/ Kenneth S. Harter  
Kenneth S. Harter  
State Bar ID 09155300  
5080 Spectrum Dr. Suite 1000-E.  
Addison, Tx. 75001  
(972) 752-1928  
FAX (214) 206-1491  
[kenharterlawyer@gmail.com](mailto:kenharterlawyer@gmail.com)  
Attorneys for Plaintiff

**UNSWORN DECLARATION MADE  
PURSUANT TO CIVIL PRACTICE AND REMEDIES CODE §132.001**


My name is French Crook, III, a/k/a/ Trey Crook, Plaintiff. This declaration is made under oath, pursuant to C.P.R.C. §132.001. All facts stated herein are within my personal knowledge and are true and correct.. The facts contained in the foregoing are true and correct.

/s/ French Crook, III  
French Crook, III, a/k/a/ Trey Crook

**JURAT**

My name is FRENCH CROOK, III, a/k/a/ Trey Crook. My business address is 4347 W. Northwest Highway, Suite 130-139, Dallas, Texas, 75220. My date of birth is 06/16/1973. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Dallas, Dallas County, Texas, March 24, 2022.

  
\_\_\_\_\_  
French Crook, III, a/k/a Trey Crook

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 188342

ERecordings-RP

DEED

Recorded On: October 13, 2021 11:17 AM

Number of Pages: 6

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" Examined and Charged as Follows: "

Total Recording: \$46.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 188342  
Receipt Number: 20211013000324  
Recorded Date/Time: October 13, 2021 11:17 AM  
User: Joy R  
Station: Station 19

**Record and Return To:**

Simplifile



STATE OF TEXAS  
COUNTY OF DENTON

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time  
printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX

**ASSESSMENT LIEN DEED**

STATE OF TEXAS

§

§

KNOW ALL MEN THESE PRESENTS:

COUNTY OF Denton

§

WHEREAS, on or about December 12, 2002, Centrex Homes, a Nevada general partnership, as Declarant, executed and filed of record that certain Declaration for Robinson Ridge Homeowners' Association, Inc. (the "Declaration") at Volume 5231, Page 02364, in the Real Property Records, Denton County, Texas, wherein a Lien on each property within the Robinson Ridge Homeowners' Association, Inc. was created to secure payments to the Robinson Ridge Homeowners' Association, Inc. of all assessments and costs of collection to become owing by the owner of said property, together with the power of sale vested in Robinson Ridge Homeowners' Association, Inc.; and

WHEREAS, included among the property in Robinson Ridge Homeowners' Association, Inc. on which such Lien exists is:

2625 Harbor Lights Drive, Little Elm, TX 75068; a/k/a

Lot 11, Block I, of Robinson Ridge, Phase Two, an Addition to the Town of Little Elm, Denton County, Texas, according to the Plat as recorded in Cabinet V, Slide 282, of the Plat Records, Denton County, Texas

WHEREAS, the present owners of the above-described property are Roberto C. Alcala and Patricia Alcala.

WHEREAS, default has been made in the payment of assessments and costs of collection owing by the owners of said property, and Robinson Ridge Homeowners' Association, Inc., the owners and holders of such indebtedness, have since such default filed of record that certain Notice of Lien against the aforesaid.

WHEREAS, pursuant to the provisions of the Declaration of Robinson Ridge Homeowners' Association, Inc., acting through its Duly Authorized Agent, proceeded to sell said property at public auction at the courthouse door of Denton County, Texas, between the hours of ten o'clock a.m. and one o'clock p.m. on Tuesday, October 5, 2021, after having given notice of the time, place and terms of such sale, as prescribed by the terms of the Declaration, and after first posting written notice thereof for at least twenty-one (21) days preceding the day of sale at the courthouse door of said county; and

WHEREAS, at such sale said property was by the undersigned struck off to Harbor Lights 2625 Land Trust ("Grantee" herein) for the price and sum of Forty Thousand Dollars and 00/100 (\$40,000.00), it being the best and highest bidder for the same, and said sum being the best

and highest bid therefor. The address of the Grantee is: 4347 W. NW Hwy #130-139, Dallas, Texas 75220;

NOW, THEREFORE, know all men by these presents that I, Jack Manning, of Denton County, Texas duly authorized agent for and on behalf of Robinson Ridge Homeowners' Association, Inc., by virtue of the powers granted to said Robinson Ridge Homeowners' Association, Inc., by said Declaration and in consideration of the foregoing premises and of the sum of Forty Thousand Dollars and 00/100 (\$40,000.00), to me cash in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, which said sum of money has been applied according to the directions of said Robinson Ridge Homeowners' Association, Inc., have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto the said Grantee of the County of Denton, State of Texas.

TO HAVE AND TO HOLD, the said property, together with all and singular, the rights and appurtenances thereto in anywise belonging unto Roberto C. Alcala and Patricia Alcala, the owners of said hereinabove described property, and their heirs and assigns forever. And for and on behalf of the said Roberto C. Alcala and Patricia Alcala, pursuant to and in accordance with the terms of the Declaration, and their heirs, executors and administrators, I, Duly Authorized Agent for and on behalf of Robinson Ridge Homeowners' Association, Inc., do hereby bind that said Roberto C. Alcala and Patricia Alcala, and their heirs, executors and administrators to warrant and forever defend, all and singular, said premises, insofar as is authorized by the said Declaration, unto the said Grantee and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

In accordance with Texas Rule of Civil Procedure 736.12, a conformed copy of the order is attached to this Assessment lien deed as "Exhibit A".

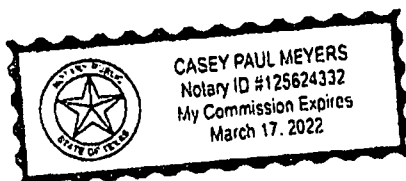
WITNESS MY HAND: October 6, 2021

By: \_\_\_\_\_

Jack Manning  
Duly Authorized Agent

STATE OF TEXAS                   §  
   §  
COUNTY OF DALLAS           §

This instrument was acknowledged before me on October 6, 2021, by Jack Manning, acting in the capacity stated therein.



Casey Meyers  
Notary Public in and for the State of Texas



FILED: 8/4/2021 3:30 PM  
 David Trantham  
 Denton County District Clerk  
 By: Elizabeth Jones, Deputy

**CAUSE NO. 21-4423-362**

IN RE: ORDER FOR FORECLOSURE	§	
CONCERNING:	§	DENTON COUNTY, TEXAS
Mr. Roberto C. Alcala & Mrs. Patricia Alcala	§	
	§	
and	§	
	§	
2625 Harbor Lights Drive, Little Elm, TX 75068	§	
	§	
Under Tex. R. Civ. Proc. 736	§	362 <sup>nd</sup> JUDICIAL DISTRICT

**FINAL JUDGMENT TO PROCEED WITH**  
**NOTICE OF FORECLOSURE SALE AND FORECLOSURE SALE**

Came to be considered the Application of Robinson Ridge Homeowners' Association, Inc. (the "Applicant") for Expedited Foreclosure Proceeding Pursuant to Rule 736 of the Texas Rules of Civil Procedure relative to Roberto C. Alcala & Patricia Alcala (the "Respondents") and that certain real property more particular described as follows:

Lot 11, Block I, of Robinson Ridge, Phase Two, an Addition to the Town of Little Elm, Denton County, Texas, according to the Plat as recorded in Cabinet V, Slide 282, of the Plat Records, Denton County, Texas;

Which has a mailing address of: 2625 Harbor Lights Drive, Little Elm, TX 75068.

Whereas the name and last known address of each Respondent are as follows:

Roberto C. Alcala  
 2625 Harbor Lights Drive  
 Little Elm, TX 75068

Patricia Alcala  
 2625 Harbor Lights Drive  
 Little Elm, TX 75068

Occupant(s)  
 2625 Harbor Lights Drive  
 Little Elm, TX 75068

Whereas, a debt exists and is secured by a lien created under the Declaration of Covenants, Conditions and Restrictions for Robinson Ridge Homeowners' Association, Inc., and evidenced by the filing of a lien by Applicant against Respondents' property on or about March 23, 2021, in the Real Property Records of Denton County, Texas.

Exhibit A

A default under the Declaration exists by Respondent. Applicant has given Respondents the requisite notices to cure the default under the Texas Property Code and applicable law. Applicant has given Respondents the requisite notice of this proceeding pursuant to Rule 736 of the Texas Rules of Civil Procedure. Respondents although duly served pursuant to Rule 106 of the Texas Rules of Civil Procedure and Section 17.031 of the Texas Civil Practice and Remedies Code, have failed to file a response.

IT IS ACCORDINGLY ADJUDGED that Robinson Ridge Homeowners' Association, Inc., Applicant, recover from the Respondents, Roberto C. Alcala & Patricia Alcala, the following:

1. Robinson Ridge Homeowners' Association, Inc. is authorized to proceed with foreclosure of the Applicant's lien against Respondents' property located at 2625 Harbor Lights Drive, Little Elm, TX 75068 under the Declaration of Covenants, Conditions, and Restrictions for Robinson Ridge Homeowners' Association, Inc. pursuant to Section 209.0092 of the Texas Property Code. It is further Ordered that Applicant, Robinson Ridge Homeowners' Association, Inc., may communicate with the Respondents and all third parties reasonably necessary to conduct the foreclosure sale of the property, and, if Respondents are represented by legal counsel, notice of the foreclosure sale shall also be mailed to legal counsel by Certified Mail.
2. Four thousand dollars (\$4,000.00) as attorney's fees;
3. For all Costs of Court in this behalf expended.
4. Reasonable and necessary attorney's fees to be awarded to the Applicant, Robinson Ridge Homeowners' Association, Inc. for necessary post-judgment collection efforts.
5. All relief not herein granted is hereby denied. This final judgment hereby disposes of all parties and claims and is a final judgment as to all claims and all parties.

IT IS ORDERED that the Plaintiff shall have all writs of execution and other process necessary to enforce this judgment.

Signed this 4th day of August, 2021

  
JUDGE PRESIDING

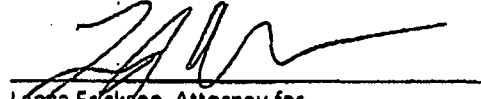
Approved:

  
Lance Erickson  
Manning & Meyers  
Attorneys at Law  
4340 N. Central Expressway, Suite 200  
Dallas, Texas 75206  
Lance@MOALegal.com  
(214) 823-6600 - Telephone

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above Final Judgment to Proceed with Notice of Foreclosure Sale and Foreclosure Sale has, on this day, been delivered to each and every Respondent in accordance with the Texas Rules of Civil Procedure Rule 21(a).

Signed: August 3, 2021

  
\_\_\_\_\_  
Lance Erickson, Attorney for  
Robinson Ridge Homeowners' Association, Inc.